libertarianism nc:

[Brackets for word economy and gender].

Morality requires respecting humanity as an end in itself: **First,** it is a requirement of prescriptive thought that one reflect upon ends to decide; otherwise one’s action would be determined by causal influences. Morality presupposes independent subjects. Humanity is the condition of moral force of particulars like friendship. **ENGSTROM[[1]](#footnote-1):** In addition to the idea of universal legislation as the form of practical cognition, there’s a related idea guiding Kant’s thinking about the constraints of pure practical reason that needs to be borne in mind when we consider how they apply in choice and action. Since the exercise of practical reason proceeds from the universal to the particular, the application of the formula of universal law should proceed in this direction as well. Thus in attempting to determine what obligations to other persons this principle of universality might support, we should first consider its application in the most primitive, or fundamental[s], exercise of the will, and to do this we will need to consider the most basic practical self-conception of a particular human person.11 It would be inappropriate, for example, to begin with duties that presuppose particular relations between the persons involved, such as the ties between citizens, family members, or friends. Such obligations, important though they are, depend upon specific, contingent conditions of action, whereas the cases we should consider first are those of duties that attach to us most fundamentally, merely in virtue of our standing as human persons, or subjects with wills, sharing the power of practical reason.

And practical identity – like parent, teacher, or debater – require valuing our human identity first. **KORSGAARD**[[2]](#footnote-2): *The Solution:* Those who think that the human mind is internally luminous and transparent to itself think that the term “self-consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different reason. The reflective structure of the mind is a source of “self-consciousness” because it forces us to have a *conception* of ourselves. As Kant argues, this is a fact about what it is *like* to be reflectively conscious and it does not prove the existence of a metaphysical self. From a third person point of view, outside of the deliberative standpoint, it may look as if what happens when someone makes a choice is that the strongest of his conflicting desires wins. But that isn’t the way it is *for you* when you deliberate. When you deliberate, it is as if there were something over and above all of your desires, something that is *you,* and that *chooses* which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of *yourself.* To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself.6 An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theoretical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.

To attach value to any identity means you must value yourself as someone who needs reasons to act and live. You can shed every identity except your human identity; we can shed conflicting impulses by choosing not to take them as reasons, but you cannot have reason to reject the value of the source of your moral reasons. *Identities as policy-makers would come second since a ‘country’ is only an agent by being informed by people, each rational agents. Their practical identities as legislators must be contextualized accordingly.*

**Second**, claims of goodness are filtered. Something good must be good to someone – chocolate is good for me, but not for my dog, which it will kill. Humanity must endorse all goods as good for someone, thus only if that someone has value can any good act as an object of will. All value judgments thus presuppose the ultimate end of humanity. *Takes out util since the maximization of everyone’s desires and lives is not good for any particular somebody, but all goods are good-for.*

***Third****, if an agent regards their purpose as important, they must regard the means as important, one of which is freedom. To deny that freedom is important would deny the purpose was important. An agent must view themselves as having a right to freedom since one condition of freedom is that other agents do not violate your freedom. If one willed the right to freedom existed only under certain conditions, lacking those conditions would mean lacking the right to freedom but any purposive agent must view themselves as having freedom; any restrictive condition on people’s freedom is incoherent. Being an agent generates these rights rather than a particular agent.*

One can never restrict the ends a subject can set as their means, because to be human is to autonomously set the ends. To treat humanity as an end requires one to respect the legislative right of agents to use their means as they see fit free of domination. **RIPSTEIN**[[3]](#footnote-3)**:** You are independent if you are the one who decides what ends you will use your powers to pursue, as opposed to having someone else decide for you. You may still mess up, decide badly, or betray your true self. You may have limited options. You remain independent if nobody else gets to tell you what to do. Each of us is independent if neither of us gets to tell the other what to do. This interest in independence is not a special case of a more general interest in being able to set and pursue your purposes. Instead, it is a distinctive aspect of your status as a person, entitled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes. You are sovereign because nobody else gets to tell you what to do; you would be their subject if they did. Once freedom is understood in terms of people’s respective independence, one person’s freedom doesn’t conflict with another’s. Each person is free to use his or her own powers to set and pursue his or her own purposes, consistent with the freedom of others to use their powers to set their purposes. A system of equal freedom demands that nobody use their own powers in a way that will deprive another of theirs, or uses another person’s powers without their permission.

The standard is **respecting liberty**. Impact calc:

a) The framework is not concerned with availability of ends but a right to pursue them. I do not wrong you by buying the last jar of peanut butter before you get to the store, leaving you to decide between the inferior jelly or marmalade. I violate if I legislate that you have no right to attempt to purchase peanut butter as that subverts the ends to which you can direct your will.

b) The arg isn’t that it’s permissible to pay below a living wage; but irrespective of its rightness there are no grounds to legislatively require it. It is immoral not to give to charity, but that does not mean I can steal your income and donate it for you. You cannot subject another’s means even to good ends, just as slavery is no less repugnant if one sets their slaves to humanitarian projects.

The **advocacy** is that [aff actor] repeals the minimum wage. Solvency advocates available on request[[4]](#footnote-4). **First,** a minimum or living wage unjustly restricts the ends to which individuals, both employers and employees can choose to pursue. **JONNY:**[[5]](#footnote-5)One of the fundamental tenets of libertarianism is the idea of voluntarism: that parties should be free to engage in contracts between each other without requiring permission from a third party. This is a natural outgrowth of the non-aggression principle, which states that the initiation of force or violence is inherently immoral. When a third party prohibits all or part of a contractual agreement that does not concern that party, they are initiating force against the contract’s participants. As was explained previously in the article, parties will only engage in contractual agreements or transactions in which both parties believe they are better off. If we assume that neither party is threatening or defrauding the other, then while there may be unknown alternative transactions that would be preferred by one party or the other, there can be nothing immoral about the transaction. Minimum-wage laws constitute political cronyism on the part of the workers who are unwilling to work below a certain wage-rate while infringing upon the natural rights of workers who would be willing, and perhaps even happy, to accept a lower rate. The law says it is illegal to offer or accept certain jobs and subsequently confers punishment if individuals consent to voluntarily transact them. This is immoral. Workers should enter the labor force expecting to climb the proverbial ladder of success. It would be wrong-headed to suggest that the lowest-wage, entry-level position should be enough to sustain all of a worker’s life pursuits. Income mobility still exists. A study by the University of Michigan found that 75% of individuals in the lowest income quintile in 1975 were in the top 40% of income earners 16 years later. The U.S. Treasury department provides more recent data here. Minimum-wage laws prevent workers from getting the low-skilled, low-paying jobs that are critical for building the skills needed to move up to higher-paying jobs. The data show that less than 3% of workers earn the minimum wage or less, not including tips, and that the median age of a minimum-wage earner is 24. It is clear that the unintended harmful consequences of these laws far outweigh any of their alleged benefits and as such they should be repealed immediately.

**Second**, irrespective of the particular concerns of a living wage, wage legislation violates individual’s independence by subjecting them to another will. A slave is no less a slave if they have a kindly master who lets them choose how they spend their time, if the master can revoke that privilege if they see fit. Even if a living wage is not a problem, to enable wage legislation places one in that same relation of dependency vis-à-vis state power.

[The arg isn’t that it’s permissible to pay below a living wage; but there are no grounds to legislatively require it. It is immoral not to give to charity, but that does not mean I can steal your income and donate it for you. You cannot subject another’s means even to good ends.]

The living wage violates property rights and freedom of contract. **DORN:[[6]](#footnote-6)**

The minimum wage violates the principle of freedom because workers are not permitted to work at less than the politically determined wage rate, even if they are willing to do so to get or retain a job—and employers are prohibited from hiring them. The minimum wage does nothing to increase the productivity of low-skilled workers. Indeed, it prevents them from acquiring the skills and experience they need to move up the income ladder. Discouraged workers may then drop out of the workforce and end up on welfare or drugs. The self-esteem that comes from work and responsibility is an important aspect of growing up and taking part in the American dream. When government prevents workers from competing for jobs and prevents employers from hiring them at mutually agreed upon wage rates, politics trumps freedom—coercion trumps consent. Wealth creation is reduced and entrepreneurship stifled. Comparing the minimum wage in 1968 with today’s minimum is wrong-headed. What matters is the relation between today’s nominal minimum wage and the market wage rate for low-skilled workers. As long as the nominal minimum wage rate exceeds the prevailing market wage for a specific category of labor—in this case primarily low-skilled teen workers, especially blacks—there will be adverse effects. And those effects will be greater in the long run than in the short run as businesses adjust by moving to labor-saving methods of production. Confusing the wage rate (the relative price of labor) with labor income (the wage rate times hours worked) is a common mistake of those who favor a higher minimum wage. If the hourly wage rate for low-skilled workers, determined by market demand and supply, is $6 and the government imposes a minimum wage of $10, workers who lose their jobs will have a zero income. Moreover, entrepreneurs who would have started businesses will not enter the market and other businesses may fail. Consumption depends on production. If workers get jobs and produce goods and services, they can earn higher real wage rates over time and consume more. But if they can’t find jobs at the above-market minimum wage rate, the wealth-creation process is halted. Employers may charge higher prices to cover the higher minimum wage, but then consumers suffer a loss. Meanwhile, if prices can’t be increased, then profits will fall below normal and capital owners will suffer. There is no net gain in the wealth of a nation from increasing the minimum wage; but there is a loss of freedom as the range of choices open to workers and employers is reduced. Proponents of the minimum wage, such as Business for a Fair Minimum Wage, neglect the negative aspects of the minimum wage and pretend the law of demand is not binding in the labor market. (For a summary of the empirical arguments, see “The Minimum Wage Delusion, and the Death of Common Sense,” Forbes.com, May 7, 2013). They also tend to misrepresent arguments made against the minimum wage. For example, Robert Atkinson and Michael Lind, writing for Salon.com (“Econ 101 is Killing America, July 8, 2013), assert that in making the case for abolishing the minimum wage, I hold that “low wages are good for the economy.” They trace this idea to “Econ 101,” which they argue teaches that “high wages are bad for an economy and low wages are a blessing.” What they fail to understand is that high wage rates are the result of high productivity and economic freedom. In contrast, countries with onerous government regulations, high taxes, and little economic and personal freedom suffer from low labor productivity and low economic growth; that is why wage rates and real incomes are relatively low. Rich countries were first poor. It was because of economic freedom and better institutions that they became rich—not because of minimum wage laws. The number of jobs depends on relative wage rates, other things constant. If changes in technology, institutions, and capital per worker increase productivity, then over time both employment and output will increase along with real incomes. If those other factors don’t change and the government simply dictates higher wage rates, then jobs will be lost or not created for lower-skilled workers. A “fair wage” is a “free wage”—that is, one that results from voluntary exchanges among workers and employers. Government should prevent fraud and violence and allow individuals to enter into mutually beneficial exchanges under a just rule of law that protects persons and property. The minimum wage violates freedom of contract and hence private property rights; it is neither moral nor effective. It is unfair to workers who can’t find a job, especially young workers in search of a better future.

switch-up cards:

Moral uncertainty means you default to my framework - allowing people to pursue their ends allows them to explore their own conception of the good rather than imposing one we are uncertain is correct. Any attacks against the moral worth of argumentation concede its validity because it presupposes the capacity to formulate arguments. A condition of argumentation is that people have the ability to set their own ends. **HOPPE:**[[7]](#footnote-7) Clearly then, the universalization principle alone would not provide one with any positive set of norms that could be demonstrated to be justified. However, there are other positive norms implied in argumentation apart from the universalization principle. In order to recognize them, it is only necessary to call to attention three interrelated facts. First, that argumentation is not only a cognitive but also a practical affair. Second, that argumentation, as a form of action, implies the use of the scarce resource of one's body. And third, that argumentation is a conflict-free way of interacting. Not in the sense that there is always agreement on the things said, but rather in the sense that as long as argumentation is in progress it is always possible to agree at least on the fact that there is disagreement about the validity of what has been said. And this is to say nothing else than that a mutual recognition of each person's exclusive control over [their] own body must be assumed to exist as long as there is argumentation (note again, that it is impossible to deny this and claim this denial to be true without implicitly having to admit its truth). Hence, one would have to conclude that the norm implied in argumentation is that everybody has the right of exclusive control over his own body as his instrument of action and cognition. Only if there is at least an implicit recognition of each individual's property right in his own body can argumentation take place. Only as long as this right is recognized is it possible for someone to agree to what has been said in an argument and hence can what has been said be validated, or is it possible to say "no" and to agree only on the fact that there is disagreement. Indeed, anyone who would try to justify any norm would already have to presuppose the property right in his body as a valid norm, simply in order to say, "This is what I claim to be true and objective." Any person who would try to dispute the property right in his own body would become caught up in a contradiction, as arguing in this way and claiming his argument to be true, would already implicitly accept precisely this norm as being valid. Thus it can be stated that whenever a person claims that some statement can be justified, [they] at least implicitly assumes the following norm to be justified: [that] "Nobody has the right to uninvitedly aggress against the body of any other person and thus delimit or restrict anyone's control over his own body." This rule is implied in the concept of justification as argumentative justification. Justifying means justifying without having to rely on coercion. In fact, if one formulates the opposite of this rule, i.e., "everybody has the right to uninvitedly aggress against other people" (a rule, by the way, that would pass the formal test of the universalization principle!), then it is easy to see that this rule is not, and never could be, defended in argumentation. To do so would in fact have to presuppose the validity of precisely its opposite, i.e., the aforementioned principle of nonaggression.

This comes as a prerequisite to any other framework justification since all other justifications already implicitly concede the validity of self-ownership.

pity offense:

Human can only be autonomously legislative when actions are not done out of pity. **CARTWRIGHT**[[8]](#footnote-8) Hence we find that Nietzsche adopts and scores some critical points by employing the Kantian line. There is a danger for the pitier, Nietzsche claims, not simply because of the suffering involved in this emotion, but also because of the susceptibility of the pitier to the manipulation and control by those pitied. This susceptibility to the control and manipulation by others suggests two other important Kantian themes, the loss of one's self-control vs. autonomy and the irrational and involuntary nature of emotions such as pity. Both Nietzsche and Kant maintain that one of the problems with pity is that it usurps the agent's autonomy. Nietzsche argues that in being manipulated and controlled by the recipient of pity, an agent may lose autonomy in two ways. The agent is made to suffer, and this is something that most people find undesirable, and, since pity for someone is usually conative, the agent may act to help the recipient escape his or her suffering, and this may be something the agent would usually not want to do. While the agent is not exactly out of control, Nietzsche's point is that in pity the agent loses self-control by being controlled by someone else. The notion of self-control is the basic idea behind Kant's conception of autonomy. Kant argued that to be autonomous it was necessary for agents to be free from external forces, which compel their behavior. This sort of negative freedom, he argued, was not sufficient for autonomy, however. An autonomous will must also have ". . . the property ... of being a law to itself."'1Kant held that autonomous agents act from their own conceptions; their actions are ascribed to causal factors whose origins are, in some way, identified with their rational natures. In other words, autonomous agents are self-controlling because they determine their own actions. In pity, nevertheless, autonomy is usurped because it, like any emotion, is initiated by factors external to the agent, factors that over- whelm or "infect" the agent.

There is an obligation to act kindly, but not out of pity. First, pity becomes a matter of moral luck as different persons will have different degrees of susceptibility. Second, pity is aimed to end suffering, but by requiring one to feel another’s pain requires suffering to be extended. **KANT:**[[9]](#footnote-9) To have a fellow-feeling with the joys and sorrows of our friends, is no doubt a physical emotion only; and is an æsthetic susceptibility of pleasure or pain, on perceiving these states obtain in another. There arises, however, from this disposition of our nature, a particular, but only conditionate duty, called humanity, to cultivate and employ these physical springs as means of advancing an effective and rational benevolence. The duty is called humanity, man being now regarded, not as a reasonable being, but as an animal endowed with reason. This sympathy may be regarded either as seated in the will and the ability to communicate to one another what we feel, or as seated in that physical susceptibility, which nature has implanted in us, for feeling in common the delights or misery of our neighbour. The former is free or liberal, and depends on practical reason; the second is unfree and illiberal, as in pity, and may be called contagious,—like a susceptibility for heat or for distempers. The obligation extends to the former only. It was a lofty cogitation of the Stoic sages when they said, I would wish I had a friend, not to assist me in poverty, sickness, captivity, and so on, but whom I might be able to assist and rescue; and yet this very Sage again thus speaks, when the case of his friend is gone past remedy—What concern is it of mine? i.e., he rejected pity. And, in truth, when another suffers, and I allow myself to be infected by [her] his sorrow, which, however, I cannot mitigate nor avert, then two persons suffer, although naturally the evil affects one singly; and it is quite inconceivable that it can be any one's duty to augment the physical evils in the world; and consequently there can be no obligation to act kindly out of pity. There is likewise an offensive variety of this pity called mercy, by which is meant that kind of benevolence shown to the unworthy; but such an expression of benevolence ought never to take place betwixt man and man, no one being entitled to boast of his worthiness to be happy.

The affirmative advocacy in enacting through normal means is acting out of pity rather than autonomous legislation. The living wage has been historically grounded in pity. Further its extensions are motivated by a broadening scope of pity, not true social consciousness. Even scholars who think the living wage works well acknowledge this history. **WEBB:[[10]](#footnote-10)**

The urgently needed step to which the recent developments in the industrial world point, is, to my mind, a wise and prudent use of Legal Regulation of the Conditions of Employment. To the public (and for the moment perhaps also to the employer) this is summed up in the Legal Minimum Wage; and great are still the apprehensions aroused thereby. Yet all that Factory Legislation prescribes, and all that a Minimum Wage Law enacts, is that, while employers and workmen are left quite free to work or not, as they choose, and quite free to bargain for what terms they will, the law prescribes that there shall be a minimum, to be fixed, under public control, by representative bodies for the several trades, below which, so long as he is employed at all and properly diligent in his work, the workman's subsistence shall not descend. This is, after all, only one additional example of the century-old Factory Legislation. We have, in fact, for a whole century been prescribing by law the Minimum Conditions of the Wage-Contract, with regard to one item after another; and thus regulating, in the public interest, by a hundred successive statutes, the conditions under which industry shall be carried on. And everybody admits this legislation to have been eminently successful in its results. Not even the most reactionary member of any Legislature throughout the civilized world ever offers a Bill for its repeal. And the scope of the legislation has steadily broadened. For a long time Factory Laws confined themselves in the main to the enactment of a Legal Minimum of Sanitation and Safety in the workshop and the mine; insisting, for instance, that, whether or not profits were being realized, employers should provide healthful workplaces, properly warmed and ventilated, free from noxious effluvia, sufficiently protected against accidents, and adequately equipped with sanitary conveniences. From that, the code of every civilized nation has gone on to prescribe for all boys and girls a Legal Minimum of Education, requiring parents and employers to forego the help in industry of children below a certain age, insisting that such children should be in attendance at school, and gradually enlarging the sphere of the education authority so as to ensure that no child remains below the prescribed National Minimum of Nurture in any respect what ever. Meanwhile this Labor Code has been laying down also a Legal Minimum of Leisure and Rest, by prescribing a maximum working day; insisting on proper intervals for meal-times and holi? days, limiting overtime, etc. All these successive interferences with the employer's "right" to "manage his business in his own way" were resisted in one country after another, by economists as well as by "business men,"on the ground that they involved additional expense, and thereby increased the cost of production, just as much as if the rate of wages had been arbitrarily raised; and that they thus in turn made it impossible for the most hardly pressed businesses to be carried on. That they amounted virtually to a confiscation of property was repeatedly asserted. It was, as an eminent Conservative Minister declared in the British House of Commons, "Jack Cade Legislation," which robbed the capitalist of some of his income for the assumed benefit of his workpeople. It was according nothing more in the way of Jack Cade Legislation than that to which the world had long grown accustomed, when the Legislature of Victoria, in 1896, added to the various minima already required by its Factory Code, a Legal Minimum Wage. This was adopted for the United Kingdom, so far as regards four selected trades, in the Trade Boards Act of 1909; and it is significant that the Legal Minimum Wage was then carried, both in the House of Commons and in the House of Lords, with scarcely a dissentient voice. Three years afterward the same thing was done for the coal trade, though by a law so incompetently or so disingenuously drafted as to be far inferior to the Trade Boards Act. It is true that, for a long time, each successive Factory Act and Mines Regulation Act was looked upon as an exceptional outcome of our special pity for the sufferings of some particularly weak and ill-treated class of wage earners?at first the parish apprentices; then the children and young persons deprived of their playtime; then the women bound all day to the steam driven loom, amid the noise and heat and dust of the mill; then the poor miners imprisoned in the bowels of the earth; then the down-trodden shop assistant, and so on. But though the sentimental public and the merely empirical legislator still takes this view, every economist, and indeed every educated statesman, knows that we have long since passed beyond that point. It is now seen that, in carrying his successive Factory Acts, for one class after another, laying down a Legal Minimum for one condition after another of the wage-contract, Lord Shaftesbury, like the Trade Unionists whom he feared, was "building better than he knew." What was at first empirical has become scientific. "And so the Factory Acts," to use the words of the late Duke of Argyll, uttered as long ago as 1867, "instead of being excused as excep? tional, and pleaded for as justified only under extraordinary con? ditions, ought to be recognized as in truth the first legislative recognition of a great Natural Law .... destined to claim for itself wider and wider application."

way to no link turns:

*conceded arguments:*

1. Availability of ends – not wronged if you some end is not available to you. Not wronged if I buy the last jar of peanut butter at a store before you get there since you were not restricted in your capacity to get it first. It’s only a restriction of your freedom to do things if I say you are not allowed to buy the peanut butter at all.

2. Legitimacy versus something being good – the state is the one implementing the resolution, so it’s a question of its jurisdiction rather than the abstract goodness of something. Even if coercion exists or paying a living wage is good, it’s a question of whether the state is legitimate in coercing to enforce such a policy – that means my NC addresses a higher order question about what sort of state is legitimate.

3. Fungible goods versus end in itself – the logic of Korsgaard is that humanity is the unconditionally valuable ultimate end that reasoners must adopt. If you violate humanity for the purposes of protecting other humanity, you do not treat as the ultimate good, but only fungible, the same way the miser treats money.

4. Cannot use people to good ends, meaning negative violations are a side constraint on any other action – it would be repugnant to steal your income and donate for you even if the end was good, so sacrificing one person’s freedom for the purpose of some good relationship or state of affairs is unjustifiable. This also means if there is anyone not being hired in an exploitative way, you should negate since you cannot ever coerce to prevent further coercion.

no harm exists/no solvency:

1. Employees are not subjected to anyone’s choice since they can always leave a job – they choose to enter into a particular form of contract. Not providing the ability to pursue favored purposes isn’t coercion insofar as there still is choice and it is a voluntary contract. **RIPSTEIN[[11]](#footnote-11):** Each person's entitlement to decide how their powers will be used precludes prohibiting many of the setbacks people suffer as effects of other people’s nondominating conduct. People always exercise their powers in a particular context, but that context is normally the result of other people's exercises of their own freedom. To protect me against the harms that I suffer as you go about your legitimate business, perhaps because you set a bad example for others, or deprive me of their custom, would be inconsistent with your freedom, because it would require you to use your powers in the way that most suited my wishes or vulnerabilities. You do not dominate me if you fail to provide me with a suitable context in which to pursue my favored purposes. To the contrary, I would dominate you if I could call upon the law to force you to provide me with my preferred context for those purposes. That would just be requiring you to act on my behalf, to advance purposes I had set. That is, it would empower me to use force to turn you into my means. Refusing to provide me with a favorable context to exercise my powers is an exercise of your freedom, not a violation of mine, however mean spirited you may be about that refusal.

Even if a working relationship, so long as it’s voluntary cooperation there is no coercion.

**RIPSTEIN[[12]](#footnote-12):** The sovereignty principle’s focus on voluntary cooperation also explains why other harms fall outside its scope. Voluntary cooperation enables people to use their powers together to pursue purposes they share. It can be made to look as though potential co-operators are always subject to each other's choice: unless you agree to cooperate with me, I can’t use my powers in the way I want to. But this is an example of our respective independence. Cooperation only contrasts with domination when it is voluntary on both sides. You get to decide whether to cooperate with me because you get to decide how your powers will be used. I can no more demand that you make your powers available to accommodate my preferred use of my powers than you can make that demand of me. Each of us is sovereign over our powers, and the power to decide who to cooperate with is a basic expression of that sovereignty. That is why I wrong you when I use your powers for my purposes, even if it doesn’t cost you anything: in appropriating your powers as my own, I force you to cooperate with me.

Wronging someone requires prohibiting them from setting an end, not making an end unavailable to them. **JULIUS[[13]](#footnote-13):** Suppose that some purpose I might take up requires that I stand *right over there*. Often enough I can form that purpose, as when I’m sure of reaching the spot first because I’m the only person who’s interested or close. But my right to affirm the purpose and to act for its sake comes on line only after and because I’ve taken the position. Before I reach the spot others are entitled to go there before me and so to act in ways that would put the purpose out of my power while contracepting my right to pursue it. Under the law of occupying the unoccupied my right to set a typical geographically specific end postdates my decision to make it my own, and I depend for the right’s establishment on the fact that persons have stood aside who were also authorized to get in my way.

2. Even employers or employees benefit in some abstract sense, you can still be used. **RIPSTEIN[[14]](#footnote-14):** I can use you in other ways as well. Suppose that you are opposed to the fluoridation of teeth on what you believe to be health-related grounds. You are mistaken about this, but committed to campaigning against fluoridation. As your dentist, I use the opportunity created by filling one of your (many) cavities, to surreptitiously fluoridate your teeth, proud to have advanced the cause of dental health, and privately taking delight in doing so on you, the vocal opponent of fluoridation. In this example, I don’t harm you, and there is even a sense in which I benefit you. I still wrong you because I draw you into a purpose that you do did not choose. You remain free to use your other powers to pursue other purposes. But part of being free to use your powers to set and pursue your *own* purposes is having a veto on the purposes you will pursue. You need more than the ability to pursue purposes you have set; you also need to be able to *decline* to pursue purposes unless you have set them. When I usurp your powers, I violate your sovereignty precisely because I deprive you of that veto. I am like the despot who uses his office for personal gain.

Even if you benefit, you can still be used in some relevant sense if your consent was not taken into account. Making life better for you does not mean that you are free – that is pretty specific in the Ripstein evidence. The type of contract you can make is still bein restricted by the state.

3. Workers already could have sued employers over harassment or dangerous workplace conditions. There is no reason why wages have unique moral significance in terms of bargaining power. In the same way, we should outlaw slavery rather than saying you need to provide nice beds for your slaves to sleep in.

4. You don’t solve equal bargaining power if workers are in a condition of slavery to employment and work. Making coercion “tolerable” through a living wage simply extends coercion to employers. It’s not a question of giving you what you want, which is money, had you been free, but only actually making you free. I cannot judge what you would want if you had equal bargaining power. That notion turns case since it’s itself coercive.

5. You do not solve the problem of unequal power or bargaining position since employees are completely subject to the whims of their employers – they can still be fired and removed from their job. The fact that employers who *choose* to hire and retain an employee must pay something doesn’t change the fact that employees still have no *relational power* vis-a-vis their employer, who still ultimately controls when a contract will be made and terminated.

6. Coercing companies denies them their private right –there is no positive obligation to help others. **RIPSTEIN[[15]](#footnote-15):** So long as there are a variety of unmet wants, private persons are entitled to determine which ones to attach priority to. Because Kant represents individual freedom and dignity through purposiveness, each person is entitled to set and pursue his or her own purposes. Yet that entails that no person in need has a claim of right against any other specific person based exclusively on that need. In the Introduction, Kant insists that right focuses on the form of choice rather than its matter, and so “it does not signify the relation of one’s choice to the mere wish (hence also to the mere need) of the other.”13 Kant’s cold equation of need with wish reflects the more general project of restricting the use of force to the reconciliation of private freedom. As we saw in our discussions of private right, Kant’s arguments do not turn on the factual vulnerability to suffering, but rather on a juridical vulnerability to wrongdoing. By setting things up in this way, Kant precludes the possibility of a private right to charity. The entitlement under right that no person needs to accommodate him- or herself to the specifics of another person’s purposes is perfectly general, and so applies to even the limiting case of the other person’s minimal purpose of keeping alive. This is why Kant denies that there could be a right of necessity, entitling one person to kill or steal from another so as to keep himself alive. Kant’s case for conceiving of private rights in this way has been elaborated and defended in earlier chapters. His emphasis on the form of transaction rather than the particular end another person has is a direct implication of the idea that each person is entitled to use his or her means to set and pursue his or her own purposes, independently of the choice of others. Your entitlement to set and pursue your own purposes, however, means that you alone are entitled to determine what those purposes will be, and your entitlement to do so does not depend upon the particular purposes of others, but only on the entitlements of others to use their means to set whatever purposes they have. Private right protects each person’s purposiveness by protecting each person in what he or she already happens to have. As such, it has no space for recognizing a person’s wish that she had something that she lacks, and no way of distinguishing a need from a wish. Such wishes, like any other wishes, concern the matter of choice. The same point applies to acquiring further means. Each person is entitled to use his or her own means to acquire things he or she currently lacks; no person is required to make his means available to another to aid such acquisition, because no person is ever required to make his means available for another person’s purposes. The conclusion that I do not wrong you by failing to help you when you are in need is thus a special case of the more general claim that each of us is entitled to set and pursue our own purposes.

7. Any aff offense must stem from the ability to hinder a hindrance to freedom. It doesn’t make sense to justify hindering hindrances. Kolodny[[16]](#footnote-16) When is “independence” equal?When people are free from the same number of actual uses of nonconsensual force? Butthat’s crazy. Takepunishment.Suppose I havehit you**.** If I am hit back, then the distribution of batteries is equalized**.** But this is not just “leveling down,” but leveling down that doesn’t obviously deliver a more equal result.

8. It might be true that in terms of destitute poverty there is slavery, but that is not by any means the situation everywhere; this does not apply to all people or all workers, which means the coercion is still the most verifiable and universal harm.

nozick over ripstein:

Prefer the Nozick analysis over the aff claims of equal freedom:

**First**, equal freedom does not create an obligation to adopt any particular social policy, it merely establishes parameters on what sort of action is good. The particular choices must still be subject to the general will. **RIPSTEIN**[[17]](#footnote-17)**:** The Kantian argument is formal and procedural rather than substantive. In particular, it does not specify the level of social provision, whether it covers merely biological needs, or the preconditions of full citizenship. Nor does it provide a detailed analysis of the nature of wrongful dependence, whether, for example, severe inequalities of bargaining power between employers and workers could qualify as forms of dependence. Although Kant focuses on the example of support for the poor, the force of his argument is concerned with the structure of the general will. As a result, it requires actual institutions to give effect to it – to set appropriate levels and mechanisms of aid, and introduce forms of regulation where necessary. As a philosophical account it is supposed to show what means are available to the state, consistent with the freedom of all; it is not supposed to micromanage social policy. Just as questions about the limitations period for adverse possession or the standard of care in the law of negligence can only be answered through that exercise of determinative judgment by a properly constituted public authority, so too can these questions only be so answered. The requirements of a general will constrain the form of possible answers, but not their substance. Any answers need to be consistent with equal freedom, so they cannot introduce mandatory forms of cooperation merely on the grounds that they will produce an aggregate increase in welfare. Nor can they use private rights as a bulwark against the claims of the general will. But within the appropriate structure, the answers must be imposed by the people themselves.

This operates as terminal defense and generates a net benefit for the negative.

**Second,** Ripstein’s claim of right are not a blanket entitlement for any action, but only a legitimate entity. Even if the aff is right it would be wrong for me rather than the state to force people to pay a living wage. However, [the NC demonstrates that the state is no more legitimate than an individual in enacting coercive redistributive policy because the state is simply reliant on the coercive power of a majority in which the minority has no legislative equality. As my vote will not actually change policy means that I have no more control over the laws then if I had no legislative power. **ANSCOMBE[[18]](#footnote-18):** Kant introduces the idea of “legislating for oneself,” which is as absurd as if in these days, when majority votes command great respect, one were to call each reflective decision a man made a vote resulting in a majority, which as a matter of proportion is overwhelming, for it is always 1-0. The concept of legislation requires superior power in the legislator. His own rigoristic convictions on the subject of lying were so intense that it never occurred to him that a lie could be relevantly described as anything but just a lie (e.g. as “a lie in such- and-such circumstances”). His rule about universalizable maxims is useless without stipulations as to what shall count as a relevant description of an action with a view to constructing a maxim about it.

[Thus a powerful state is no different than a slave with a benevolent master – we are still not truly free unless we are liberated from coercive state policies.]

germany proves kant possible:

It’s definitely possible for a state to be Kantian. Germany proves. **RIPSTEIN:[[19]](#footnote-19)**

Strictly speaking, the right to dignity is not an enumerated right in the German Basic Law, but the organizing principle under which all enumerated rights—ranging from life and security of the person through freedom of expression, movement, association, and employ- ment and the right to a fair trial to equality before the law—are organized. It appears as Art. I.1: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.” Art. I.3 explains that the enumerated rights follow: “The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.” Other, enumerated rights are subject to proportionality analysis, through which they can be restricted in light of each other so as to give effect to a consistent system of rights. The right to dignity is the basis of the state’s power to legislate and so is not subject to any limitation, even in light of the enumerated rights falling under it, because—to put it in explicitly Kantian terms—citizens could not give themselves a law that turned them into mere objects.

intent first block:

1) There is definitely an intent-foresight distinction:

a) Intending a harm involves willing the necessary means to bring about that harm, but foreseeing a harm at most implies indifference about whether the harm occurs – willing a harm is an expression of moral responsibility. To account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will. Also foreseen harms are not always brought about by affirming or negating, since they relate to extra-resolutional action.

b) The same action changes in its moral significance based on the intent. **MACINTYRE[[20]](#footnote-20):** It is a conceptual commonplace, both for philosophers and for ordinary agents, that one andthe same segment of human behavior may be correctly characterized in a number of different ways. To the question 'What is he doing?' the answers may with equal truth and appropriateness be 'Digging', 'Gardening, 'Taking exercise', 'Preparing for winter' or 'Pleasing his wife'. Some of these answers will characterize the agent's intentions, other unintended consequences of his actions, and of these unintended consequences some may be such that the agent is aware of them and others not. What is important to notice immediately is that any answer to the questions of how we are to understand or to explain a given segment of behavior will presuppose some prior answer to the question of how these different correct answers to the question 'What is he doing?' are related to each other. For if someone's primary intention is to put the garden in order before the winter and it is only incidentally the case that in so doing he is taking exercise and pleasing his wife, we have one type of behavior to be explained; but if the agent's primary intention is to please his wife by taking exercise, we have quite another type of behavior to be explained and we will have to look in a different direction for understanding and explanation.

[This outweighs since action theory comes first – if morality was not based in action, it could never claim anyone ought to *do* anything at all. Also means you don’t account for the complexity of moral language.]

c) morality must apply to intention-based actions, because the only way individuals can be held accountable to their choices and thus we could claim some *actor* was immoral or moral rather than some *state of affairs* was moral since the res makes a judgment about an actor’s obligations.

d) The difference between intention and foresight is your personal violation of another. **KORSGAARD[[21]](#footnote-21):** In cases where a deontological restriction is at issue, doing the *action* puts you into a direct relationship with another human being - your “victim” as Nagel puts it. In performing the action, you will have to aim directly at evil for your victim, even if your larger purpose is good. Nozick, in his remarks on the apparent paradox of deontology, puts the point in more Kantian language. In violating a deontological requirement, you will have to treat your victim as a mere means. I will come back to the question of what there is to choose between these two formulations. In any case, the force of deontological restrictions, according to Nagel, rests in the immediate badness of victimizing someone. Nagel illustrates his point with an example.(VFN 176) You need the cooperation of a reluctant elderly woman in order to save someone’s life, and you find that you can only secure it by twisting the arm of her grandchild so that his screams will induce her to act. You are faced with using the child as a means to saving a life, and in this case, that involves hurting the child. If the grandmother doesn’t give in, you have to try and hurt the child more. You have to *will* to hurt the child more, and so, in a sense to want to.(VFN 182) The louder the child screams, the better for you. But there he is, a child, a vulnerable human being to whom everyone owes protection. From your point of view, this is a terrible thing to *do*. You might think that this analysis doesn’t apply in some of the other cases I’ve mentioned. Consider Williams’s Indians. The one you kill is going to die anyway, whether he is shot by you all alone or along with his compatriots by Pedro. So you are not bringing about an evil for him which he would not have endured otherwise. But there is still a sense in which *you* are aiming directly at his evil. You must pick up a rifle, aim it at his heart, and fire. You must be gratified if the bullet kills him, just as you must be gratified if the child screams louder. And, despite appearances, there is also a sense in which you are treating him as a mere means. You are killing him in order to save the others. The fact that he is going to die anyway doesn’t really change the fact that this is what *you* are doing.

2) Being a moral agent requires attaching unconditional value to one’s own agency instead of causal effects. **KORSGAARD[[22]](#footnote-22):** For to be an agent is to be essentially subject to a standard of success and failure, and to be subject to a standard of success and failure in the very same way that a functional system is. Here’s what I have in mind. A functional system – let’s say a machine – is designed to achieve a certain end. If it does not achieve its end, we say that it has failed. You were late this morning, you say, apologetically, because your alarm clock broke down and failed to go off. But to be successful, it is not enough that [it] your alarm clock goes off from any cause whatever. If the alarm rings because a sudden jolt of electricity happens to break a spring which accidentally hits the mechanism that sets off the alarm at 7:00 a.m. precisely, it is not a good clock. A functional system, to be successful, has to be the kind of thing that reliably achieves its end. In the same way, the kind of success that we associate with agency is not exhausted by the idea of the agent actually bringing the end about, since an agent who brought about his end only accidentally – say by a deviant causal pathway – would have failed as an agent. If I fire my gun wildly astray, but the bullet ricochets off a cast iron fence and happens to hit the target in exactly the spot that I intended, I have not made a good shot. Indeed, once I understand the causal situation, I should feel that I have been the beneficiary of a lucky accident, that is: that I didn’t really do anything at all. To be successful in action is not merely to do something that brings about your end [but]. To be successful in action is to make yourself into the kind of thing that reliably achieves that end.2 So to regard yourself as an agent is to regard yourself as a functional system, and to regard yourself as a functional system is to regard yourself as having a good, in the functional sense of good. But now it is not only the functional sense of good. For if you regard the thing you aim at as a final good – that is, as something worth going for – then you regard the things that promote it, your own condition included, as good in that way too. An agent necessarily values his own efficacy, and therefore necessarily values his own functional good as an aspect of his final good.

3) Our deliberate actions can only be explained in terms of reasons for them, not causal effects as such. **RODL[[23]](#footnote-23):** Practical reasoning is the causality of the will if acting according to the representation of an end is deriving an action from this end. Thus we must consider what it is to act according to a representation. When someone is acting according to a representation, then the representation causes her action. Explaining why she is doing what she is doing, or why she is acting in the way that she is, we refer to this representation: She who is doing *A* according to her representation of doing *B* is doing *A* because she wants to do *B*. And she who is doing *A* according to her representation of a certain manner of acting, is doing *A* because she wants to act in this manner. How- ever, this does not suffice. Someone’s wanting to do something may cause all manner of movement on her part, which is not on that account a case of acting according to the representation of doing that. For example, someone may be falling ill because he wants to lose weight in this way: He has been wanting to lose weight for a long time, nothing he tried worked, at last his anxiety gives rise to somatic symptoms. As he is falling ill, he is not acting according to his representation of losing weight. It seems obvious what is missing: If he is to act according to his representation, he must recognize that his action accords with the represented end. He must sub- sume his action under the end as a part of or as exemplifying it. In order for someone to act according to the representation of an end, there must be not only a causal nexus of the representation and the action. Moreover, the subject must be conscious of the logical nexus, the accord of the action with the end. However this, again, does not suffice. We can embellish our example and add that our man recognizes that he will lose weight if he falls ill and welcomes his illness on that ground. We do not therewith represent him as acting according to his representation in falling ill.

universality block:

Prefer a universalization-based conception of humanity’s worth rather than a fungible one that can treat humanity as a means to more humanity:

1) Reasons are universally accessible. **VELLEMAN[[24]](#footnote-24):** In Kant’s view, being a person consists in being a rational creature, both cognitively and practically. And Kant thought that our rationality gives us a glimpse of – and hence an aspiration toward – a perspective even more inclusive than that of our persisting individual selves. Rational creatures have access to a shared perspective, from which they not only see the same things but can also see the visibility of those things to all rational creatures. Consider, for example, our capacity for arithmetic reasoning. Anyone who adds 2 and 2 sees, not just that the sum is 4, but also that anyone who added 2 and 2 would see that it’s 4, and that such a person would see this, too, and so on. The facts of elementary arithmetic are thus common knowledge among all possible reasoners, in the sense that every reasoner knows them, and knows that every reasoner knows them, and knows that every reasoner knows that every reasoner knows them, and so on.

2) Pure reasons, those that meet the constraints for a valid imperatives for action, are universally valid across all reasoners. **ENGSTROM[[25]](#footnote-25):** As I mentioned, however, there is another sense in which rational cognition can be said to be universal. All cognition, be it theoretical or practical, has what Kant calls *subjective* universal validity: if a certain judgment counts as knowledge, then it must be valid for every knowing subject, so that all such subjects could agree in the matter and share the same judgment, the same cognition. If I know that the next hurricane to hit Florida will rotate in a counterclockwise direction, then all subjects who share the cognitive capacity I exercise in this judgment will necessarily agree, provided, of course, that this capacity in them is not in some way defective, that they are exercising it properly, and that they are sufficiently acquainted with hurricanes, the location of Florida, and so forth, to form such a judgment. And since this judgment, as *rational* cognition, is cognition, not just of the particular, but of the particular *in* the universal and hence is a judgment that depends on a universal judgment, the possibility that all subjects capable of rational cognition can share this judgment about the next hurricane to hit Florida likewise depends on the possibility that they can all share the universal judgment about tropical storms in the northern hemisphere on which the particular judgment is based. In the case of practical cognition, however, these two sorts of universality are identical in respect of their extension. For unlike theoretical cognition, which is of independently existing objects distinct from the cognizing subject and given to it from elsewhere by means of the senses, practical cognition, as practical, works to bring its object into existence, or to make it actual, and therefore is essentially efficacious, indeed *self-consciously* so, hence always knowledge subjects have that *they themselves*, as practically cognizing subjects, should act in a certain way, and so always cognition of the very subjects who have such cognition.8 Therefore in the case of a principle of practical cognition the two sorts of universal validity necessarily coincide in the sense that the principle is valid *for* the very subjects *of* which it’s valid: the principle applies to the will of every practically cognizing rational being, and every such being can recognize this universal applicability. This is as much as to say that a principle of practical cognition is necessarily such that *every subject can agree to every subject’s acting on it*. Now such agreement would actually be achieved if all subjects were jointly to legislate this principle for themselves. Kant thus gives expression to this necessary feature of all principles of practical knowledge by speaking, in the *Critique of Practical Reason*, of “the mere form of a universal legislation”, the form that distinctively characterizes practical, as opposed to theoretical, laws (*KpV* 27). Such universal legislation must therefore be possible if, for example, the shopkeeper’s practical judgment that where there is much trade one should keep a fixed general price for everyone can rightly be said to be practical *knowledge*.

3) Your framework collapses into mine – even agent relative reasons have agent neutral components. **KORSGAARD[[26]](#footnote-26):** But this way of describing the situation implies a strange description of my own attitude. It suggests that my desire to have my book required is a product of raw vanity, and that if I want to write a good book, this is merely as a means to getting it required. This does not correctly reflect the structure of my ambition. Part of the reason that I want to write a good book on Kant’s ethics is that I think that such a book would be a good thing, and my ambition is not conceivable without that thought. It is an ambition to do something good, and it would not be served by people’s requiring my book regardless of whether it was good. For now, let us describe this by saying that I think *someone* should write a book on Kant’s ethics good enough that it will be required reading. I think that this would have neutral value. This doesn’t, however, mean that my ambition is just a disinterested response to that neutral value. It is essential not to sanitize the phenomena here, or we shall go wrong. I may be interested in personal adulation, I may really like the idea of my book’s being required reading, and I may even harbor competitive feelings towards other engaged in similar projects. I don’t just want it to be the case that someone writes the book. I want to *be the someone* who writes that book. That element in my ambition is ineliminably agent-relative; no one else, except possibly my friends, has a reason to care whether I write the book or someone else does. So the structure of this ambition is not: i) I want my book to be required reading (where that’s an agent-relative end) ii) therefore: I shall write a good book (as a means to that end) but rather: i) Someone should write a book on Kant good enough that it will be required reading. (where that’s an agent-neutral end) ii) I want to be that someone (agent-relative motive) In other words, to have a personal project or ambition is not to desire a special object which you think is good for you subjectively, but rather to want to stand in a special relationship to something you think is good objectively. Ambition so characterized clearly does have an agent-relative component: you want to stand in a special relationship to what is good. Is this component the source of subjective normative reasons for action? On the one hand, the agent-relative component does seem to *motivate* me to do a lot of work I would not otherwise do. It is often true that without the personal element in ambition, people would not be able to bring themselves to carry out arduous tasks. There are therefore neutral reasons for encouraging the personal desires associated with ambitions. But should the agent herself treat these personal desires as the sources of reasons? If I took it seriously that my desire that *I* should be the one to write the book was a reason for action, then I would [forcibly] have a reason to prevent one of the other Kant scholars from writing *her* book. But in fact, neither I nor anybody else thinks I have a reason to do this, even if in competitive moments I am tempted to feel it. This is not an expression of ambition, but rather a very familiar perversion of it. It is important to see that reasons of personal obligation almost always have this form. Although I may not suppose that the happiness of my loved ones is objectively more important than that of anyone else, I certainly do suppose that their happiness is objectively good. The structure of reasons arising from love is similar to that of reasons of ambition. I think that someone should make my darling happy, and I want very much to *be that someone*. And others may have good reason to encourage me in this. But if I try to prevent someone else from making [her] my darling happy or if I suppose that [her] my darling’s happiness has no value unless it is produced by me, that is no longer an expression of love. Again, it is a very familiar perversion of it.

4) Almost everything we take part in assumes the publicity of reasons for action – that a reason for one agent is a reason for another. **KORSGAARD[[27]](#footnote-27):** Perhaps that does not seem quite right. But neither does it seem right to say that those who pursue such projects are in the grip of unmotivated desires, or view themselves as being so. There are reasons for caring about these things, reasons which are communicable and therefore at least potentially shareable. Ask a mountain climber why she climbs and she need not be mute: she may tell you things about the enlarged vistas, the struggle with the elements, the challenge of overcoming fears or surpassing physical limitations. She takes her desire to climb mountains to be a motivated desire, motivated by recognizably good features of the experience of climbing. She does not take the value of the climb to be conferred on it simply by her desire to do it. Someone who says “I *just* want to” isn’t offering you his reason; he is setting up a bulwark against incomprehension. You may be the problem or he may feel himself inarticulate: many people do. But listen to the articulate talk about their projects and you hear the familiar voice of humanity, not the voice of alien idiosyncrasies. Or if you don’t, perhaps you should. For it is at this point that the difference between Objective Realism and Intersubjectivism becomes important. An Objective Realist interpretation of the value of climbing mountains, or of collecting stamps or coins or barbed wire, or of excelling at bowling or billiards, is not very tempting. Neither, as I think, is an Objective Realist interpretation of the value of a good book on Kant’s ethics. These are not intrinsic values, already there in the universe, which we have discovered, but rather are expressions of our own distinctively human capacity to take an interest, and to find something interesting, in whatever we find around us. To share another’s ends, or at least to grant that they could be shared, is to see them as expressions of that capacity, and so as expressions of our common humanity. The Intersubjectivist sees the other as human, and *therefore* shares or tries to share the other’s ends. That is why she helps others to pursue their ambitions. But the Objective Realist sees no reason to help unless he *first* sees the other’s ends as ones that he can share. His relationship to others is mediated by his relationship to their ends. According to the Intersubjectivist this is not only a mistake in moral theory but a moral wrong. We should promote the ends of others not because we recognize the value of those *ends*, but rather out of respect for the humanity of those who have them.

5) Agent neutral reasons can be generated from agent-relative premises. **KORSGAARD[[28]](#footnote-28):** I am capable, however, of viewing myself from an impersonal point of view - as simply a person, one among others who are equally real. When I view myself this way, I still regard these considerations as having normative force. This is especially clear, Nagel argues, when I consider a situation in which someone else fails to respond to my reasons. This is why we ask “How would you like it if someone did that to you?” when we are trying to get someone to see the normative force of another’s reasons. If I am tormenting someone, say a stranger, the question invites me to consider the case where a stranger is tormenting me. According to Nagel I should see that I would not merely dislike this, I would also resent it, and my resentment carries with it the thought that my tormentor would have a reason to stop. That reason is the same as my reason for wanting it to stop: that I don’t like it. I would expect my tormentor to respond to *my* reason.(PA 82-85) And yet, to a stranger, I am just a person, some person or other. This shows that I view my reasons as having normative force simply insofar as they are a person’s reasons, and expect others to do so as well. And that commits me to the view that other people’s reasons have normative force for me. Where there is a subjective reason, then, there is also an objective one, to which everyone should respond.

6) Any conception of epistemology assumes the force of public reasons. **KORSGAARD[[29]](#footnote-29):** Unless we conform our beliefs to logical and rational principles, our minds themselves are a mere heap of unrelated ideas or theses. And a mere heap of unrelated ideas or theses is not about anything, and therefore cannot count itself as thinking about anything or knowing anything. So our conception of ourselves as possible knowers of a[n external] world independent of our minds, a world that we can think about, depends on our idea of [entails] the world itself as some-thing of which we might possibly form a unified conception [of]. This explains, to take one example, why we have to take theoretical reasons to be both universal and what I call “public,” or agent-neutral, in their normative force—why that is a rational requirement. If you are to think of your experience [is] as a perception [that lets you] of an object, and perception as a way of knowing that object, then you have to think that, suitably situated, another perceiver with the same sort of perceptual equipment would be having that experience too. Now you might ask, if I am constructing a conception of the world, couldn’t I just construct a world that was my world, which only existed for me and nobody else? But the answer is no, because if you are to think of your experience as perception of an object, and perception as a way of knowing that object, then you have to think that if you were to come back to the same place tomorrow, and nothing had changed in the meantime, you would have the same experience again. And that is the same thought as [would] the thought that if another perceiver were suitably situated, he would have the same experience: both scenarios, after all, just involve a change of position. If you cannot have that thought—that if you come back to the same place later, and nothing has changed, you will have the same experience again—then you cannot think of your experience as perception of an object, and of yourself as the knower of that object, and your mind shatters into a mere heap of unrelated experiences. It follows that if you are to take “I saw it” as a reason to believe it, you must take it as [having] a reason with universal and agent-neutral or “public” normative force. So it is not that we know in advance, somehow, that the world conforms to the principles of theoretical reason, and we should therefore expect true beliefs to do so as well. Rather, that the world conforms to the principles of theoretical reason is a presupposition of the world’s being the sort of place we can think about and know about at all.

7) The volitional nature of agency mandates that reason be universalized to other persons. **KORSGAARD[[30]](#footnote-30):** But what, if anything, compels us to view reasons as public and universal in this way?15 In my view, part of the answer lies in the role of universal principles in unifying and therefore constituting the will or the self, the role played in Frankfurt’s view by caring. And if the self is constituted by volition, it cannot be assumed to exist in advance of volition. When I will to go to the dentist on the day of my appointment, I cannot be willing a law that my future self should go to the dentist, for whether I have a future self depends on whether that law and others like it are obeyed. If that law and others like it are not obeyed, then my body is, in Frankfurt’s terms, not that of a person but that of a wanton without a self, and no person has disobeyed my law. So I must be willing that an agent characterized in some other way—perhaps as the future conscious subject of my body—should go to the dentist. Minimally, this shows that any maxim that I will must universalize over some group more inclusive than my present conscious self, and that the normative force of the reason I legislate should be public and shared between me (my present conscious self ) and the members of that group.16 Perhaps it is only all the future conscious subjects of my body, but we need some reason why that and only that should be the relevant group, and some of the possible answers to that question suggest that the group should be more inclusive still. For instance, one possible answer is that I must interact cooperatively with the future conscious subjects of my body if I am to carry any of my projects out. But of course it may also be argued that I must interact cooperatively with other rational agents as well, for unless others respect my reasons and I respect theirs, we are apt to get in each other’s way.17 So it begins to look as if I must will universally and publicly— that is, will reasons I can share, not only with the future conscious subjects of my body, but with all rational beings, or at least all with whom I must interact. In any case, I cannot coherently regard my reasons as applying merely to myself. And there may be the beginnings of a route to morality.

parable of the slave:

"The Tale of the Slave"  
from Robert Nozick, Anarchy, State, and Utopia, pp. 290-292.  
Consider the following sequence of cases, which we shall call the Tale of the Slave, and imagine it is about you.

1. There is a slave completely at the mercy of his brutal master's whims. He often is cruelly beaten, called out in the middle of the night, and so on.
2. The master is kindlier and beats the slave only for stated infractions of his rules (not fulfilling the work quota, and so on). He gives the slave some free time.
3. The master has a group of slaves, and he decides how things are to be allocated among them on nice grounds, taking into account their needs, merit, and so on.
4. The master allows his slaves four days on their own and requires them to work only three days a week on his land. The rest of the time is their own.
5. The master allows his slaves to go off and work in the city (or anywhere they wish) for wages. He requires only that they send back to him three-sevenths of their wages. He also retains the power to recall them to the plantation if some emergency threatens his land; and to raise or lower the three-sevenths amount required to be turned over to him. He further retains the right to restrict the slaves from participating in certain dangerous activities that threaten his financial return, for example, mountain climbing, cigarette smoking.
6. The master allows all of his 10,000 slaves, except you, to vote, and the joint decision is made by all of them. There is open discussion, and so forth, among them, and they have the power to determine to what uses to put whatever percentage of your (and their) earnings they decide to take; what activities legitimately may be forbidden to you, and so on.  
   Let us pause in this sequence of cases to take stock. If the master contracts this transfer of power so that he cannot withdraw it, you have a change of master. You now have 10,000 masters instead of just one; rather you have one 10,000-headed master. Perhaps the 10,000 even will be kindlier than the benevolent master in case 2. Still, they are your master. However, still more can be done. A kindly single master (as in case 2) might allow his slave(s) to speak up and try to persuade him to make a certain decision. The 10,000-headed monster can do this also.
7. Though still not having the vote, you are at liberty (and are given the right) to enter into the discussions of the 10,000, to try to persuade them to adopt various policies and to treat you and themselves in a certain way. They then go off to vote to decide upon policies covering the *vast* range of their powers.
8. In appreciation of your useful contributions to discussion, the 10,000 allow you to vote if they are deadlocked; they commit themselves to this procedure. After the discussion you mark your vote on a slip of paper, and they go off and vote. In the eventuality that they divide evenly on some issue, 5,000 for and 5,000 against, they look at your ballot and count it in. This has never yet happened; they have never yet had occasion to open your ballot. (A single master also might commit himself to letting his slave decide any issue concerning him about which he, the master, was absolutely indifferent.)
9. They throw your vote in with theirs. If they are exactly tied your vote carries the issue. Otherwise it makes no difference to the electoral outcome.

The question is: which transition from case 1 to case 9 made it no longer the tale of a slave?

freedom violations bad:

Violations of freedom violate the principle of universal reason. **ENGSTROM[[31]](#footnote-31):** I’ll begin with the case of natural justice. Since this obligation is founded on the practical knowledge of self-sufficiency as an end, and since self-sufficiency, according to its very idea, can never be augmented, but only restricted, by the actions of others, the maxim we have to consider is one prescribing action that restricts others’ self-sufficiency. This restriction can be more precisely characterized, however, as the limitation of what Kant calls outer freedom. For as I’ll now try to explain, outer freedom is just what self- sufficiency requires, as a negative condition, in relation to others. Kant describes outer freedom as an “independence from the necessitating power of choice of another” (*MS* 237). In other words, outer freedom lies in the independence of one’s capacity to pursue one’s ends from hindrance to its exercise stemming from the power of choice of another. That one’s capacity to pursue one’s ends can be subject to such hindrance from another is, of course, clear. Where diverse persons share a practical world, where in other words they are present together in the world in such a way that it’s possible for any one of them both to know what action another of them intends and also to act in ways that prevent or hinder that action (or, as we might also say, where mutual recognition and mutual influence are possible), the outer freedom of one such person is limited to the extent that another chooses to prevent or to hinder the former’s action and succeeds in the attempt. Where a person’s actions constitute such hindrances they can accordingly be described—to borrow a phrase from Kant—as “assaults on the freedom . . . of others” *G* 430).19 Now since the material ends a person pursues in acting are all united in the fundamental end of happiness, generically conceived, outer freedom amounts to independence from hindrances by others to one’s pursuit of that basic end. Thus any assault on this freedom, to the extent that it’s successful, is a limitation of a person’s capacity to realize this end. And since this capacity is just what self-sufficiency consists in, this freedom is nothing other than the independence from other persons requisite for self-sufficiency, and it can therefore be regarded, in a negative sense, as self-sufficiency itself in relation to others. Given the preceding considerations, it’s a straightforward matter to see how a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency. Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.

notion of practical reasoning:

Explanation of practical reason. **RODL[[32]](#footnote-32):** Reasoning practically is determining what to do or how to act by deriving it from something general. What is derived is specific in relation to that from which it is derived. Reasoning practically is specifying the general. For a reason I shall give in section V, I call the general item from which an action is derived an end. There are two kinds of general item from which an action may be derived, two kinds of end. Corresponding to them are two forms of deriving the specific from the general.

The nature of the will is practical reason. **RODL[[33]](#footnote-33):** An act of the will is a productive and therefore a first-person thought. But this is not all. Our proposition says that doing something intentionally is representing it as good to do or as something one ought to do. *Good* and *ought* signify a kind of necessity. So an act of the will conceives of itself as necessary. It shares this character with judgment. Therefore, like a judgment, an act of the will is the kind of act to be the conclusion of an inference. Inferring something from given premises is not just thinking it because one holds to the premises. It is thinking it on account of one’s recognition that the premises provide sufficient grounds for thinking it. This recognition is not (cannot be) a further premise. Rather, it is the consciousness of the unity of the premises and the conclusion, which is constitutive of this unity as the unity of an inference. So the conclusion contains a consciousness of itself as resting on the premises and as necessary on that account, and this consciousness is not part of its content, but is its form as the conclusion of an inference.9 Therefore an act can be the conclusion of an inference only if it is such as to contain a consciousness of its own necessity; and an act that contains an understanding of itself as necessary is such as to be the conclusion of an inference. *Ought* and *good,* being concepts of necessity, designate the form of an act that may be the conclusion of an inference. As that inference concludes in an act of the will, it is a practical inference. Our proposition describes the form of an act of the will as follows: It is a productive representation conceiving of itself as necessary. Reason is the power of inference, the power to represent the kind of necessity just described. So according to our proposition acts of the will are not only acts of productive thought, but acts of reason, which is productive, or practical, in those acts. The will is practical reason, says our proposition. If we are to understand it, we must see how the power of practical inference (practical reason) is a power to act (the will).

AT desire/instinct:

1) My framework expresses a prior question – how we unify conflicting sentiments etc. into principles we can use to freely act. **KORSGAARD:[[34]](#footnote-34)** The parallel point about theoretical reason comes in two steps. First of all, unity is needed for our conception of the world, because the business, the function, of a conception of the world is to enable you to find your way around in it and to act effectively in it. In order to conceive the world as the sort of place in which you can find your way around and act effectively, you have to conceive of the world it as a unified place. What that means is that so that the relations between the various things in the world can be traced and established. If we can say nothing about how two things or events or regions of space-time are related to each other, we cannot think of them as parts of a single unified world. If we cannot trace causal relations, in particular, we cannot act effectively, since we cannot take means to our ends. So it is the business of a conception of the world to establish these various relations. Further argument is required, of course, but I suppose that we may think of the relations in question as logical, spatiotemporal, and causal. Speaking very roughly, these are the relations established by the principles of logic and what Kant thought of as the a priori principles of the understanding. But – and this is the second step - in unifying our conception of the world, we are also unifying our minds themselves, and unifying them in a way that makes us the agents of that conception – that is, in a way that makes us active knowers. This is because the unity of the mind and the unity of its object are interdependent. Unless we conform our beliefs to logical and rational principles, our minds themselves are a mere heap of unrelated ideas that cannot really qualify as beliefs. A mere heap of unrelated ideas is not about anything, and therefore cannot count itself as thinking about anything or knowing anything.

2) Relativity of interests already presumes human worth. **KORSGAARD[[35]](#footnote-35):** This is just a fancy new model of an argument that first appeared in a much simpler form, Kant’s argument for his Formula of Humanity. The form of relativism with which Kant began was the most elementary one we encounter - the relativity of value to human desires and interests. He started from the fact that when we make a choice we must regard its object as good. His point is the one I have been making - that being human we must endorse our impulses before we can act on them. Kant asked what it is that makes these objects good, and, rejecting one form of realism, he decided that the goodness was not in the objects themselves. Were it not for our desires and inclinations, we would not find their objects good. Kant saw that we take things to be important because they are important to us - and he concluded that we must therefore take ourselves to be important. In this way, the value of humanity itself is implicit in every human choice.15 If normative skepticism is to be avoided - if there is any such thing as a reason for action - then humanity as the source of all reasons and values must be valued for its own sake.16 The point I want to make now is the same. In this lecture I have offered an account of the source of normativity. I have argued that a human being is an animal who needs a practical conception of her own identity, a conception of who she is that is normative for her. Otherwise she could have no reasons to act, and since she is reflective she needs reasons to act. But you are a human being and so if you believe my argument you can now see that this is your identity. You are an animal of the sort I have just described. And that is not merely a contingent conception of your identity, which you have constructed or chosen for yourself or could conceivably reject. It is simply the truth. Now that you see that your need to have a normative conception of yourself comes from the sort of animal you are, you can ask whether it really matters whether animals of this kind conform to their normative practical identities. Does it really matter what human beings do? And here you have no option but to say yes. Since you are human you must take something to be normative, that is, some conception of practical identity must be normative for you. If you had no normative conception of your identity, you could have no reasons for action, and because your consciousness is reflective, you could then not act at all. Since you cannot act without reasons and your humanity is the source of your reasons, you must endorse your own humanity if you are to act at all. It follows from this argument that human beings are valuable. Enlightenment morality is true.

positive liberty bad:

1. Positive liberty is paradoxical since it still creates authoritarianism un-freedom – either tyranny of the majority or of policymakers. **CARTER**:[[36]](#footnote-36) Many liberals, including Berlin, have suggested that the positive concept of liberty carries with it a danger of authoritarianism. Consider the fate of an permanent and oppressed minority. Because the members of this minority [which] participates in a democratic process characterized by majority rule, they might be said to be free on the grounds that they are members of a society exercising self-control over its own affairs. But they are oppressed, and so are surely unfree. Moreover, it is not necessary to see a society as democratic in order to see it as self-controlled; one might instead adopt an organic conception of society, according to which the collectivity is to be thought of as a living organism, and one might believe that this organism will only act rationally, will only be in control of itself, when its various parts are brought into line with some rational plan devised by its wise governors (who, to extend the metaphor, might be thought of as the organism's brain). In this case, even the majority might be oppressed in the name of liberty.

2. Positive liberty justifies oppression of desires and interests, creating an internal contradiction. **CARTER**:[[37]](#footnote-37) Such justifications of oppression in the name of liberty are no mere products of the liberal imagination, for there are notorious historical examples of their endorsement by authoritarian political leaders. Berlin, himself a liberal and writing during the cold war, was clearly moved by the way in which the apparently noble ideal of freedom as self-mastery or self-realization had been twisted and distorted by the totalitarian dictators of the twentieth century — most notably those of the Soviet Union — so as to claim that they, rather than the liberal West, were the true champions of freedom. The slippery slope towards this paradoxical conclusion begins, according to Berlin, with the idea of a divided self. To illustrate: the [a] smoker in our story provides a clear example of a divided self, for she is both a self that desires to get to an appointment and a self that desires to get to the tobacconists, and these two desires are in conflict. We can now enrich this story in a plausible way by adding that one of these selves — the keeper of appointments — is superior to the other: the self that is a keeper of appointments [and] is thus a ‘higher’ [rational] self, and the self that is a [while] smoker is a ‘lower’ self. The higher self is the rational, reflecting self, the self that is capable of moral action and of taking responsibility for what she does. This is the true self, for rational reflection and moral responsibility are the features of humans that mark them off from other animals. The lower self, on the other hand, is the self of the passions, of unreflecting desires and irrational impulses. One is free, then, when one's higher, rational self is in control and one is not a slave to one's passions or to one's merely empirical self. The next step down the slippery slope consists in pointing out that some individuals are more rational than others, and can therefore know best what is in their and others' rational interests. This allows them to say that by forcing people less rational than themselves to do the rational thing and thus to realize their true selves, they are in fact liberating them from their merely empirical desires. Occasionally, Berlin says, the defender of positive freedom will take an additional step that consists in conceiving of the self as wider than the individual and as represented by an organic social whole — “a tribe, a race, a church, a state, the great society of the living and the dead and the yet unborn”. The true interests of the individual are to be identified with the interests of this whole, and individuals can and should be coerced into fulfilling these interests, for they would not resist coercion if they were as rational and wise as their coercers. “Once I take this view”, Berlin says, “I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture in the name, and on behalf, of their ‘real’ selves, in the secure knowledge that whatever is the true goal of man ... must be identical with his freedom” (Berlin 1969, pp. 132–33).

at beneficience:

Kant hates enforcing virtuous duties like beneficence since whether or not the maxim is being acted upon depends on intents that we cannot enforce meaningfully. **RIPSTEIN[[38]](#footnote-38):** The state steps in as a coordinating device, telling people their respective burdens so that all may discharge them effectively. Even if the state does not do an especially good job of determin[es] the appropriate burdens or their distribution, its demands still carry moral weight, be- cause they are in the service of an antecedent moral obligation. From Kant’s perspective, this form of argument would provide the wrong basis for any form of state action, even if both its premise and its conclusion were true. The difficulty reflects Kant’s distinction between right and vir-tue. Duties of right are enforceable, but concern only the relation of choice between persons, and so do not depend on effects considered in the ab- stract. Duties of virtue can never be coercively enforced, because they can only be discharged by acting on the appropriate maxim or rule of action. If you pay your taxes merely because you are legally required to, your act of doing so still carries no moral worth, and so does not in fact discharge your imperfect duty of making the needs of others one of your ends [mark the card]. The person who pays taxes that support the poor because he wants to avoid penalties for tax evasion is like the Groundwork’s example of the shop- keeper for whom honesty is the best policy for keeping customers. That taxpayer’s deficiencies do not rule out the possibility that a different tax- payer could be virtuous by paying taxes, provided that he or she does so only in order to help those in need. Nor does Kant’s focus on maxims prevent groups of people from coordinating their charitable activities to make them more effective. But it does mean that a group of people cannot compel nonmembers to aid them in the project of enabling the members of the group to act more virtuously. For Kant, the moral status of an action is never measured solely by its effects, neutrally specified. As a matter of private right, an action is wrongful only if it interferes with means belonging to another person. Neither causing harm nor failing to confer a benefit is a wrong on its own. Failure to give to those in need does not wrong them at the level of private right. In matters of virtue, actual effects are ir- relevant for a different reason: the end for which you act matters, but the result which you produce only matters in relation to the maxim on which you act. Nobody has a general obligation of either right or virtue to bring about a specific result, so no obligation could be discharged merely by bringing about such a result if it is brought about in the wrong way. So the state’s power to redistribute cannot be traced to some antecedent obligation on the part of the wealthy to bring it about that the needy receive more than they have. Instead, the state’s duty to support the poor must itself be a freestanding duty, something that the state must do in order to be a rightful condition at all.

Enforcing the imperfect duty of beneficence is uniquely bad since it depends on the agent’s motivation. **HERMAN[[39]](#footnote-39):** Although as a limiting condition the motive of duty can enter only when there is a proposed course of action based on another motive, it is unlike many other motives that impose limiting conditions since it can, by itself, move an agent to act. The clearest case of this is, of course, in morally worthy actions. There are also certain kinds of action that cannot be done at all unless done from the motive of duty (as a primary motive). For example, not every act of bringing aid is a beneficent act. It is beneficent only if the agent conceives of what he is doing as an instance of what any moral agent is required to do when he can help another, and acts to help for that reason. For Kant, only the motive of duty could prompt someone to act on a maxim with such content-for no other motive responds to a conception of action that regards the agent himself impersonally or is impartial in its application.

AT uniqueness press:

Not responsive – even if the world of the NC involves a Kantian violation, it is still net preferable to the aff since the world of the aff entails an additional Kantian violation or some further wrong legislation passed that violates the concept of treaty humanity as an end, so it is less wrong to endorse the status quo. The fact that wrong exists now does not justify an additional legislative wrong.

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